

REMARKS

By this Amendment, claims 4 and 10–20 are canceled without prejudice to or disclaimer of the subject matter contained therein, claims 1, 3 and 5–9 are amended. Claims 10–20 have previously been withdrawn from consideration. Accordingly, claims 1–3 and 5–9 are pending. Reconsideration of the present application is respectfully requested.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office action.

Obviousness Type Double Patenting Rejection

The Office action provisionally rejects claims 1–9 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent Application No. 10/595,980 (the '980 application). Applicants respectfully traverse this rejection.

Applicants point out that the '980 application was filed on August 31, 2006 and claims priority to PCT/KR04/03026, which was filed on November 23, 2004. The present application was filed on April 14, 2006 and claims priority to PCT/KR03/02825, which was filed on December 24, 2003. As such, the '980 application is the later filed application and the present application is the earlier filed application.

Furthermore, MPEP §804 states: "[i]f a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other

grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” And it further states: “If “provisional” ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer.” Applicants submit that the present Amendment places the claims in condition for allowance (as further discussed below) and accordingly requests withdrawal of this rejection because it is the earlier-filed application.

The Claims Define Allowable Subject Matter

The Office action rejects claims 1 and 3–9 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,397,095 to Eyuboglu, and claim 2 under 35 U.S.C. § 103 over Eyuboglu. Applicants respectfully traverse these rejections.

Claim 1 recites that “calculating a conductivity distribution and a current density distribution inside of the measured object by using the one directional component of a magnetic flux density”. In contrast, Eyuboglu discloses that “using a MRCDI, the spatial distribution of the current generated within the object and measured by measurement circuitry 40 is determined” and “from the measured MR data, spatial maps of current density as in Fig. 2 are generated” (column 4, lines 35-52). Namely, Eyuboglu discloses that the current density is obtained from the measured spatial distribution of the current. Thus, “calculating the current density distribution based on the one directional component of the magnetic flux density” is patently distinct from “obtaining the current density based on the current distribution”. Accordingly, Eyuboglu fails to disclose at least “calculating a conductivity distribution and a current density distribution inside of the measured object by using the one directional component of magnetic flux density”.

In addition, claim 1 has been amended to incorporate the subject matter of claim 4. Claim 4, however, was only rejected under the judicially created doctrine of obviousness-type double patenting. Furthermore, Eyuboglu fails to disclose “calculating an inside voltage and a surface voltage of the measured object” and “calculating the

conductivity distribution by using the calculated inside voltage and the one directional component of the magnetic flux density”.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§102 and 103 should be withdrawn because the applied reference does not teach or suggest each feature of independent claim 1.

As pointed out in MPEP §2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP §2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).”

For at least these reasons, it is respectfully submitted that independent claim 1 is patentable over the applied reference. The remainder of the claims that depend from independent claim 1 is likewise patentable over the applied reference for at least the reasons discussed above, as well as for the additional features they recite.

Conclusion

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner’s Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 7th day of March 2008.

Respectfully submitted,

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